IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12187 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MOHMMED IKBAL MOHMMED RAFFIK AMDAVADI

Versus

COMMISSIONER OF POLICE

Appearance:

MR ANIL S DAVE for Petitioner

MR SAMIR J DAVE for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/02/2001

ORAL JUDGEMENT

#. Challenge has been made by the petitioner to the order dated 12-10-2000 of the Police Commissioner, Surat city under which he was detained as a dangerous person.

#. Learned counsel for the respondents does not dispute

that the copies of statements of witnesses recorded under section 161 of Cr.P.C. have not been supplied to the petitioner by the detaining authority.

#. In view of this factual position, this matter succeeds and the same is allowed.

#. Learned counsel for the parties are in agreement that the petitioner is at present in Vadodara Central Jail, Vadodara.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 12-10-2000 is quashed and set aside. The petitioner Mohmmed Ikbal Mohmmed Raffik Amdavadi, the detenu, at present in Vadodara Central Jail, Vadodara be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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